

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/586,325 Confirmation No.: 1838  
First Named Inventor : Ulf HOULBERG et al.  
Filed : July 14, 2006  
Title : **METHOD AND SYSTEM FOR COLORIMETRIC  
DETERMINATION OF A CHEMICAL OR PHYSICAL  
PROPERTY OF A TURBID MEDIUM**  
TC/Art Unit : TBA  
Examiner: TBA  
Docket No. : 58982.000040  
Customer No. : 21967

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AFFIDAVIT BY KLAUS BACH HAGEN**  
**IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47(A) TO ACCEPT THIS**  
**APPLICATION AS COMPLETE BASED ON THE REFUSAL OF JOSEPH STURINO**  
**TO EXECUTE THE INVENTOR DECLARATION AND ASSIGNMENT**  
**DOCUMENTS**

Sir:

I, Klaus Bach Hagen declare and state as follows.

(1) That I am a European Patent Attorney and am employed by Chr. Hansen Holding A/S, which is a Danish firm controlling the IPR assets of Chr. Hansen A/S, located at Bøge Alle 10-12, DK-2970 Horsholm.

(2) That on behalf of Chr. Hansen Holding A/S I am involved with the prosecution of the application identified in caption which is based on United States patent application no. 60/536,832. Particularly, I am involved in forwarding instructions and documents to the United States relating to filings in the United States Patent and Trademark Office in connection with this application.

(3) That in that capacity I am aware that copies of the above-identified patent application and documents for signature, i.e., a Combined Declaration and Power of Attorney and Assignment documents, were provided to the inventors of this application for execution and filing

in the United States Patent and Trademark Office in response to the Notice of Missing Parts which is due on September 5, 2007.

(4) That we have received the signed documents from 2 of the inventors, i.e., Ulf Houlberg and Peer Herbsleb which are being submitted in response to the Notice of Missing Parts. However, notwithstanding diligent attempts we are unable to obtain the signature of the remaining inventor, Joseph Sturino. Evidence of our attempts to obtain Mr. Sturino's signature on the Assignment and Combined Declaration and Power of Attorney documents is set forth below and is further supported by the Exhibits to this Affidavit.

(5) That we previously forwarded a copy of the patent application in caption to Joseph Sturino and on July 30, 2007 forwarded him an Assignment and Combined Declaration and Power of Attorney documents for his signature via email. We sent these documents to his email address at his current employer Texas A&M University at his office email address on August 20, 2007 and also sent these same documents to his private email address on May 10, 2007. (See Exhibits A and B hereto). We have not received any response to these emails and more particularly we have not received the requested signed documents from Mr. Sturino.

(6) That we further sent these same documents via facsimile on August 20, 2007 to Mr. Sturino at his Texas A&M University office facsimile number (see fax transmission report contained in Exhibit C hereto). We have not received any response thereto and more particularly we have not received any signed documents in response to this facsimile communication.

(7) That we also sent the same documents for signature to Mr. Sturino's current office and home addresses on August 7, 2007 via registered courier. (See DHJ.#4887254400 and DHJ.#48877254396 (Exhibits D and E hereto)). That we have received no response to these courier deliveries and more particularly have not received any signed documents from Mr. Sturino.

(8) That based on the foregoing facts and supporting evidence Mr. Sturino has apparently refused to execute the forwarded patent documents for the application in caption notwithstanding multiple different attempts to obtain his signature on these documents.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 04 september 2007

By:

Klaus Bach Hagen  
Klaus Bach Hagen  
European Patent Attorney  
Chr. Hansen Holding A/S

# EXHIBIT A

A



Klaus Bach  
Hagen/Hoersholm/DK/  
ChrHansen

20-08-2007 16:15

Please respond by  
23-08-2007

To joseph.sturino@tamu.edu

cc Elisabeth

Matthes/Hoersholm/DK/ChrHansen@ChrHansen

bcc

Subject URGENT: Documents to be signed and returned

Dear Joe,

I hope you are OK, and everything is fine in Texas. And congratulations with our new job.

My assistant Elisabeth Matthes has previously sent some documents to you regarding the US patent applications on your inventions, cf the attached pdf file. It is extremely important that you sign the documents, and return them to me as soon as possible either by courier, air-mail, fax, or email as the documents have to be filed at the US patent office within the next two weeks, ie before September 2007.

If you have any problems in signing the documents, please let me know asap.

Thanks in advance

Med venlig hilsen / Best Regards

Klaus Bach Hagen, MSc, EPA  
IPR&Licensing  
Compliance  
Chr. Hansen Holding A/S  
Dir. phone: +45 45 74 76 58

This email including any attachments is confidential and is the property of the sender .



- Email package to Joe.pdf

## Relay Report

Your document: URGENT: Documents to be signed and returned  
addressed to: dkinfoit@dk.chr-hansen.com

has the following delivery status: This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.  
<joseph.sturino@tamu.edu>

What should you do?

This message is an informational Delivery Status Notification and does not require any further action.

- Your message was routed to a server which does not accept responsibility for generating Delivery Status Notifications upon successful delivery. You may assume that the message was successfully delivered if no failure message is received. Do not expect a delivery confirmation notice.

---

### Routing path

DKHUB01/Server/ChrHansen, DKHOME01/Server/ChrHansen

---

To: joseph.sturino@tamu.edu

cc: Elisabeth Matthes/Hoersholm/DK/ChrHansen@ChrHansen

Date: 16:15:44 ZE2 Idag

Subject: URGENT: Documents to be signed and returned

Dear Joe,

I hope you are OK, and everything is fine in Texas. And congratulations with our new job.

My assistant Elisabeth Matthes has previously sent some documents to you regarding the US patent applications on your inventions, cf the attached pdf file. It is extremely important that you sign the documents, and return them to me as soon as possible either by courier, air-mail, fax, or email as the documents have to be filed at the US patent office within the next two weeks, ie before September 2007.

If you have any problems in signing the documents, please let me know asap.

Thanks in advance

Med venlig hilsen / Best Regards

Klaus Bach Hagen, MSc, EPA  
IPR&Licensing  
Compliance  
Chr. Hansen Holding A/S  
Dir. phone: +45 45 74 76 58

This email including any attachments is confidential and is the property of the sender.

(See attached file: Email package to Joe.pdf)

Disclaimer.

This e-mail, including any attachments, is for the intended recipient only. If you have received this e-mail by mistake please notify the sender immediately by return e-mail and delete this e-mail and any attachments, without opening the attachments, from your system. Access, disclosure, copying, distribution or reliance on any part of this e-mail by anyone else is prohibited.

This e-mail is confidential and may be legally privileged. Chr. Hansen does not represent and/or warrant that the information sent and/or received by or with this e-mail is correct and does not accept any liability for damages related thereto.

This e-mail disclaimer is available in the following languages at the below website: Français, Deutsch, Italiano, Español, Portugues.



<http://www.chr-hansen.com/disclaimer> Email package to Joe.pdf



Postmaster@chr-hanse  
n.com

20-08-2007 16:29

To Klaus Bach  
Hagen/Hoersholm/DK/ChrHansen@ChrHansen  
cc  
bcc

Subject URGENT: Documents to be signed and returned

#### Trace Report

Your URGENT: Documents to be signed and returned  
trace:

has joseph.sturino@tamu.edu  
reached:

at: 20-08-2007 16:29:49

DKHOME01/Server/ChrHansen  
DKHUB01/Server/ChrHansen  
DKGWAY01/Server/ChrHansen

16:15:47 Idag - 16:15:47  
Idag16:15:48 Idag - 16:15:48  
Idag16:29:46 Idag - 16:29:49 Idag



# EXHIBIT B

B

Elisabeth  
Matthes/Hoersholm/DK/Chr  
Hansen

30-07-2007 10:11

To joseph.sturino@yahoo.com

cc

bcc

Subject Documents to be signed, our ref. P2011US01 + P2085US02

Dear Mr. Sturino,

I am writing to you as you are the inventor of the inventions:

Method and system for colorimetric determination of a chemical or physical property of a turbid medium (our ref. no. P2011US01)

and

CHIMERIC BACTERIOPHAGES, CHIMERIC PHAGE-LIKE PARTICLES, AND CHIMERIC PHAGE GHOST PARTICLES, METHODS FOR THEIR PRODUCTION AND USE (our ref. no. P2085US02)

I have taken over the cases as my colleague, Lone Jantzen, with whom you have corresponded previously, is on vacation and will go on maternity leave soon.

Our files show that we would require signatures from you in order to proceed the US-patent application procedures for two inventions.

We would therefore greatly appreciate it if you would take the time to sign the attached documents and return them to our department at your earliest convenience.



P2011US01\_Assignment.pdf



P2011US01\_Declaration.pdf



P2085US02\_Assignment.pdf



P2085US02\_Declaration.pdf

The account number of Chr. Hansen A/S at the courier service DHL is 960 835 601 and you can arrange a pick-up of the documents by calling DHL in the USA. Their telephone number is: 1-800-225-5345

The return address is:

Chr. Hansen A/S  
Department for IPR and Licensing  
Boege Alle 10-12  
2970 Hoersholm  
Denmark

Telephone number: +45 45 74 74 74

Contact person: Elisabeth Matthes

Alternatively, you can let us know, by email to my email address, what time, date and on what address the documents will be ready, and we will arrange the pickup.

We thank you for your kind cooperation.

Kind regards,

Elisabeth Matthes  
IPR Assistant

Chr. Hansen Holding A/S  
IPR & Licensing  
Compliance  
Phone: +45 45 74 76 61  
Office fax: +45 45 74 89 66  
E-mail: [dkemt@chr-hansen.com](mailto:dkemt@chr-hansen.com)  
[www.chr-hansen.com](http://www.chr-hansen.com)

# EXHIBIT C

C

**CHR HANSEN**

Department of Nutrition and Food science Chr. Hansen Holding A/S

Texas A&M University  
College Station  
TX 77843, Texas  
USA

Fax: 1 979 458 3704

10 - 12 Bøge Allé  
P.O. Box 407  
DK-2970 Hørsholm  
Denmark

For the attention of Professor Joseph Sturino

Phone : +45 45 74 74 74  
Fax : +45 45 74 98 87  
Cable : Hansenlab Hørsholm  
www.chr-hansen.com

VAT No. : 28 31 86 77  
Bankers : Danske Bank

20  
August 6, 2007  
EMt

## Documents to be signed

Dear Mr. Sturino,

I am writing to you as you are the inventor of the inventions:

Method and system for colorimetric determination of a chemical or physical property of a turbid medium (our ref. no. P2011US01)

and

CHIMERIC BACTERIOPHAGES, CHIMERIC PHAGE-LIKE PARTICLES, AND  
CHIMERIC PHAGE GHOST PARTICLES, METHODS FOR THEIR PRODUCTION AND  
USE (our ref. no. P2085US02)

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Our files show that we would require signatures from you in order to proceed the US-patent application procedures for two inventions.

We would therefore greatly appreciate it if you would take the time to sign the attached documents (please don't forget the witness on one of them) and return them to our department at your earliest convenience.

Please return the documents (free of charge for you) by using the account number 960 835 601 of Chr. Hansen A/S at the courier service DHL.

You can arrange a pick-up of the documents by calling DHL in the USA. Their telephone number is: 1-800-225-5345

The logo for Chr. Hansen, featuring the company name in white capital letters on a black rectangular background. Below the text is a small white triangle pointing downwards.

The return address is:

Chr. Hansen A/S  
Department for IPR and Licensing  
Boege Alle 10-12  
2970 Hoersholm  
Denmark

Telephone number: +45 45 74 74 74

Contact person: Elisabeth Matthes

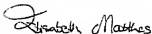
Alternatively, you can let us know, by email to my email address, [dkemt@chr-hansen.com](mailto:dkemt@chr-hansen.com),  
(cc to Lone Jantzen: [dkljz@chr-hansen.com](mailto:dkljz@chr-hansen.com)), what time, date and on what address the  
documents will be ready, and we will arrange the pickup.

We thank you for your kind cooperation.

Kind regards,

Yours sincerely,

Chr. Hansen Holding A/S  
IPR & Licensing

A handwritten signature in black ink, appearing to read 'Elisabeth Matthes'.

Elisabeth Matthes  
IPR Assistant

[dkemt@chr-hansen.com](mailto:dkemt@chr-hansen.com)

Encl.:

- Assignment for P2011US01
- Declaration for P2011US01
- Assignment for P2085US02
- Declaration for P2085US02

# HP LaserJet 4100 MFP



Chr. Hansen A/S  
+5748966  
20/08/2007 14:09

## Faxopkaldsrapport

Job	Dato/Klokkeslet	Type	Id	Varighed	Sider	Resultat
3687	20/08 14:04	Afsendelse	00019794583704	03'47	11	OK

**CHR. HANSEN**

Department of Nutrition and Food science Chr. Hansen Holding A/S

Texas A&M University  
College Station  
TX 77843, Texas  
USA

Fax: 1 979 458 3704

St. - 12 Bage Aa  
770 000 001  
DK-2870 Tårnby  
Denmark

For the attention of Professor Joseph Sturino

Phone : +45 48 74 74 74  
Fax : +45 48 74 88 88  
E-mail : [hrns@hp.chrhansen.com](mailto:hrns@hp.chrhansen.com)  
[www.chrhansen.com](http://www.chrhansen.com)

VAT No. : 28 91 66 77  
Sankens : Denmark Denmark

20  
August 2007  
EMT

### Documents to be signed

Dear Mr. Sturino,

I am writing to you as you are the inventor of the inventions:

Method and system for colorimetric determination of a chemical or physical property of a turbid medium (our ref. no. P2011US01)

and

CHIMERIC BACTERIOPHAGES, CHIMERIC PHAGE-LIKE PARTICLES, AND  
CHIMERIC PHAGE GHOST PARTICLES, METHODS FOR THEIR PRODUCTION AND  
USE (our ref. no. P2085US02)

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# EXHIBIT D



# AFSENDER

Afs.

Chr. Hansen A/S

C.S.

UDFYLDES AF POSTAFDELINGEN

07693

Vægt:

Transportør:

Afsendelsesdato:

Udfort af:

Land:

Kvittering for modtagelse:

Bemærkninger:

## FORMULAR TIL EKSTERN POSTFORSENDELSE

UDFYLDES AF AFSENDER

Afsender:

Dit navn/firma

Dit lokale:

Dato

Modtagers adresse:

44.00 Young Branch, Canal  
Calle 1 Station  
TX 770115, Texas

Alt. person:

Tlf. nr:

Land:

Varers art:

Documents

Varers vægt (ved forisforsendelser):

Sendes på:

KØL

TØRIS

Sendes fra:

Hørsholm

Avedøre

Kontaktperson i Customer Service

Ordrenr.:

Bemærkninger:

Eventuel værdi:

Products /  
Services

eShipping

Tools

Information

Press

Careers

About D

Tracking

Good Afternoon



The Group

Invest  
Relatio

Contact

Site M.  
Setting  
Help

Track your Shipment

DHL Air Waybill

Track

More tracking options

Search

## These are the results of your query

Times given are local to the service area in which the shipment checkpoint is recorded.

Air Waybill Number	Origin Service Area	Destination Service Area	Status
4887254400	Copenhagen - Denmark	College Station, TX - USA	Signed for by: J STURINO Shipment delivered August 20, 2007 18:15 ✓

- » eShipping: Quick Access
- » Web Shipping
- » Booking
- » Tracking
- » Logistics eServices
- » DHL Interactive
- » Trade Automation Service
- » Order Supplies

## 4887254400 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
August 07, 2007	15:17	Copenhagen - Denmark	Shipment picked up
August 07, 2007	19:10	Copenhagen - Denmark	Departing origin
August 07, 2007	18:32	Copenhagen - Denmark	Arrived at DHL facility in Copenhagen - Den
August 07, 2007	23:52	Copenhagen - Denmark	Departed from DHL facility in Copenhagen - Denmark
August 07, 2007	23:52	Copenhagen - Denmark	Transferred through Copenhagen - Denmark
August 08, 2007	02:07	East Midlands - UK	Arrived at DHL facility in East Midlands - UK
August 08, 2007	22:29	East Midlands - UK	Departed from DHL facility in East Midlands
August 09, 2007	02:59	DHL Wilmington Airpark, OH - USA	Transferred through DHL Wilmington Airpark USA
August 09, 2007	04:04	DHL Wilmington Airpark, OH - USA	Arrived at DHL facility in DHL Wilmington A - USA
August 09, 2007	09:55	College Station, TX - USA	Scheduled for delivery
August 09, 2007	10:11	College Station, TX - USA	With delivery courier
August 09, 2007	11:11	College Station, TX - USA	Delivery attempted; recipient not home
August 09, 2007	12:46	College Station, TX - USA	Scheduled for delivery
August 10, 2007	09:20	College Station, TX - USA	With delivery courier
August 10, 2007	10:44	College Station, TX - USA	Delivery attempted; recipient not home
August 10, 2007	12:45	College Station, TX - USA	Scheduled for delivery
August 13, 2007	08:23	College Station, TX - USA	With delivery courier
August 13, 2007	10:45	College Station, TX - USA	Delivery attempted; recipient not home
August 13, 2007	12:38	College Station, TX - USA	Scheduled for delivery
August 14, 2007	08:03	College Station, TX - USA	Awaiting pick up by recipient as requested
August 14, 2007	10:00	Houston - Cypress, TX - USA	Awaiting pick up by recipient as requested
August 15, 2007	08:09	College Station, TX - USA	Awaiting pick up by recipient as requested
August 15, 2007	10:00	Houston - Cypress, TX - USA	Awaiting pick up by recipient as requested
August 16, 2007	07:48	College Station, TX - USA	Awaiting pick up by recipient as requested
August 16, 2007	10:00	Houston - Cypress, TX - USA	Awaiting pick up by recipient as requested



August 20, 2007	07:47	College Station, TX - USA	Awaiting pick up by recipient as requested
August 20, 2007	10:00	Houston - Cypress, TX - USA	Awaiting pick up by recipient as requested
August 20, 2007	18:15	College Station, TX - USA	Shipment delivered

Try a new search.

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# EXHIBIT E

# AFSENDER

Afs. <sup>EM</sup> *Hansen*

Chr. Hansen A/S

C.S.

UDFYLDES AF POSTAFDELINGEN

07694

Vægt:

*0.1*

Transportør:

*GLS*

Afsendelsesdato:

*7/6 2007*

*48 12 13.6*

Udført af:

*12*

Land:

*DK*

Kvittering for modtagelse:

Bemærkninger:

## FORMULAR TIL EKSTERN POSTFORSENDELSE

UDFYLDES AF AFSENDER

Afsender:

*Chr. Hansen A/S*

Dit navn/initialer

Dit telefonnr.

Dato

Modtagers adresse:

*Trans. & M. University  
College, Illinois  
12 11 04  
USA*

Alt. person:

*J. Hansen H. J. 12 11 04*

Til nr:

*9741 845 3211*

Land:

*USA*

Varens art:

*Documents*

Varens vægt (ved forsendelser):

Sendes på

KØL

☐

TØRIS

☐

Sendes fra:

Horsholm

☒

Avedøre

☐

Kontaktperson i Customer Service

Ordrenr.:

Bemærkninger:

*12 11 04*

Eventuel værdi:

*12 11 04*

Products /  
Services

eShipping

Tools

Information

Press

Careers

About DHL

Tracking  
Good Afternoon

The Group

Investor  
RelationsContact  
DHLSite Map  
Personalise  
Help

Fast Track

DHL Air Waybill

Go

More tracking options

Go

Language: EN DK

## These are the results of your query

Times given are local to the service area in which the shipment checkpoint is recorded.

eShipping: Quick Access

Web Shipping

Booking

Tracking

Logistics eServices

DHL Multi Shipping

Trade Automation Service

Remote Area Service

Air Waybill Number	Origin Service Area	Destination Service Area	Status
4887254396	Copenhagen - Denmark	College Station, TX - USA	Scheduled for delivery as of: August 09, 2007 10:22

## 4887254396 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
August 07, 2007	15:17	Copenhagen - Denmark	Shipment picked up
August 07, 2007	19:10	Copenhagen - Denmark	Departing origin
August 07, 2007	18:32	Copenhagen - Denmark	Arrived at DHL facility in Copenhagen - Denmark
August 07, 2007	23:52	Copenhagen - Denmark	Departed from DHL facility in Copenhagen - Denmark
August 07, 2007	23:52	Copenhagen - Denmark	Transferred through Copenhagen - Denmark
August 08, 2007	02:07	East Midlands - UK	Arrived at DHL facility in East Midlands - UK
August 08, 2007	22:29	East Midlands - UK	Departed from DHL facility in East Midlands - UK
August 09, 2007	03:06	DHL Wilmington Airpark, OH - USA	Transferred through DHL Wilmington Airpark - USA
August 09, 2007	04:36	DHL Wilmington Airpark, OH - USA	Arrived at DHL facility in DHL Wilmington Airpark - USA
August 09, 2007	09:56	College Station, TX - USA	Scheduled for delivery
August 09, 2007	10:22	College Station, TX - USA	Scheduled for delivery

Try a new search.



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# EXHIBIT F

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHOD AND SYSTEM FOR COLORMETRIC DETERMINATION OF A CHEMICAL OR PHYSICAL PROPERTY OF A TURBID MEDIUM

the specification of which is: U.S. Patent Application No. 10/586,325 filed on July 14, 2006, which is the U.S. National Phase of International Application No: PCT/DK2005/000027, filed on 17 January 2005. The International Application claims priority from U.S. provisional application No. 60/536,832, filed 16 January 2004. The U.S. Patent Application No. 10/586,325 was amended in a Preliminary Amendment upon filing of this Application in the U.S. Patent and Trademark Office.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

### Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>



**Prior Provisional Application(s)**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/536,832	16 January 2004

**Prior United States Application(s)**

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

**CUSTOMER NUMBER**  
**21967**

All correspondence and telephone communications should be addressed to:

**CUSTOMER NUMBER**  
**21967**

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**NAME OF SOLE OR FIRST INVENTOR:**

☐ A petition has been filed for this unsigned inventor

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Given Name (first and middle (if any)) **Ulf** Family Name or Surname **HOULBERG**  
 Citizenship: **Denmark**  
 Residence: **Gl. Vassingerødvej 3, DK-3540 Lynge, Denmark**  
 Mailing Address: **(same as above)**

**NAME OF SECOND INVENTOR:**

☐ A petition has been filed for this unsigned inventor

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Given Name (first and middle (if any)) **Peer** Family Name or Surname **HERBSLEB**  
 Citizenship: **Denmark**  
 Residence: **Haverslevvej 10, DK-9530 Støvring, Denmark**  
 Mailing Address: **(same as above)**

**NAME OF THIRD INVENTOR:**

☐ A petition has been filed for this unsigned inventor

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Given Name (first and middle (if any)) **Joseph** Family Name or Surname **STURINO**  
 Citizenship: **USA**  
 Residence: **3241 South Delaware Avenue, Milwaukee, Wisconsin 53207**  
 Mailing Address: **(same as above)**

HUNTON & WILLIAMS LLP  
 Intellectual Property Department  
 1900 K Street, N.W.  
 Suite 1200

Washington, DC 20006-1509

(202) 955-1500 (telephone); (202) 778-2201 (facsimile)

# ASSIGNMENT OF PATENT APPLICATION

(Inventors) Joseph Sturino

In consideration of the sum of one dollar (\$1.00) and other good and valuable considerations paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to

(Assignee) Chr. Hansen AS

(Address) of Bøge Allé 10-12, Hørsholm, Denmark DK-2970

(hereinafter designated as the Assignee) the undersigned's entire right, title and interest for the United States, its territories, dependencies and possessions, and for the country of in the invention, and all application(s) for patent and any Letters Patent which may be granted therefor, known as

(Other Countries)

(Title) CHIMERIC BACTERIOPHAGES, CHIMERIC PHAGE-LIKE PARTICLES, AND CHIMERIC PHAGE GHOST PARTICLES, METHODS FOR THEIR PRODUCTION AND USE (Case No. MJW-4560-10)

for which the undersigned has (have) executed on even date herewith an application for patent in the United States of America or, if not on even date, then has executed on or has already filed in

U.S. appln. Serial No.

filed on

The undersigned acknowledges an obligation of assignment of this invention to said assignee at the time the invention was made.

The undersigned agree(s) to execute all papers and documents necessary in connection with the application or any interference which may be declared and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient and further to perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the firm of NIXON & VANDERHYE P.C. the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned signature(s).

Date: \_\_\_\_\_ Signature of inventor

Joseph Sturino

**RULE 63 (37 C.F.R. 1.63)  
INVENTOR'S DECLARATION FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CHIMERIC BACTERIOPHAGES, CHIMERIC PHAGE-LIKE PARTICLES, AND CHIMERIC PHAGE GHOST PARTICLES, METHODS FOR THEIR PRODUCTION AND USE**

the specification of which (check applicable box(es)):

☒ is attached hereto

☐ was filed on

as U.S. Application Serial No.

(Atty. Ref. No. 4590-10)

☒ was filed as PCT International application No.

PCT/OK2005/000597

on

19 September 2005

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate filed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application(s) which priority is claimed or, if no priority is claimed, before the filing date of this application:

Prior Foreign Application(s):

Application Number

Country

Day/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number

Day/Month/Year Filed

60610.530

17 September 2004

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

Prior U.S./PCT Application(s):

Application Serial No.

Day/Month/Year Filed

Status: patented

PCT/OK2005/000597

19 September 2005

pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint Nixon & Vanderlyne P.C., telephone number 703-816-4000 (to whom all communications are to be directed) and the attorneys of **Customer Number 23117**, individually and collectively owner/sponsors attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent. I also authorize Nixon & Vanderlyne to add or delete attorneys from that Customer Number, and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderlyne on behalf of the owner(s).

1. Inventor's Signature:

Inventor:

Joseph

(first)

MI

Stunno

(last)

Date:

US

(citizenship)

Residence: (city)

College Station

(state/country)

Texas

Mailing Address:

4403 Spring Branch Court, College Station, Texas

(Zip Code)

77845

## Assignment

I/We, the undersigned, **UIF HOULBERG**, a citizen of Denmark, residing at G1 Vassingerødvej 3, DK-3540 Lyngbe, DENMARK; **Peer HERBSLEB**, a citizen of Denmark, residing at Haverslevvej 10, DK-9530 Støvring, DENMARK and **Joseph STURINO**, a citizen of USA, residing at 4403 Spring Branch Court, College Station, TX 77845, USA, (hereinafter referred to as the "Assignor(s)") hereby confirm that in consideration of the sum of one dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, I/we hereby assign all my/our full and exclusive right, title and interest in and to the invention entitled:

### **METHOD AND SYSTEM FOR COLORIMETRIC DETERMINATION OF A CHEMICAL OR PHYSICAL PROPERTY OF A TURBID MEDIUM**

described and/or claimed in U.S. Patent Application No. 10/586,325 filed on July 14, 2006, which is the U.S. National Phase of International Application No: PCT/DK2005/000027, filed on 17 January 2005. The International Application claims priority from U.S. provisional application No. 60/536,832, filed 16 January 2004. The U.S. Patent Application No. 10/586,325 are referred to herein as the "Applications",

to

Chr. Hansen A/S  
Bøge Allé 10-12  
P.O. Box 407  
DK-2970 Hørsholm  
DENMARK

(hereinafter referred to as the "Assignee"),

and any and all improvements and/or modifications to the aforesaid invention and Applications, and in and to any and all patent applications or Letters Patent of the United States or any other country related to the invention, the Applications, and/or any and all improvements and/or modifications to the aforesaid invention and Applications, including but not limited to, provisional applications, conversions to utility applications, continuations, continuations-in-part, continuing prosecution applications (CPAs), requests for continuing examination (RCEs), reissues, reexaminations, extensions, substitutes, renewals and divisions which may be filed or granted therefor and all rights to claim priority in whole or in part on the basis of the Applications.

The Assignor(s) hereby covenant(s) for myself/themselves and my/our legal representatives, and agree with said Assignee, its successors and assigns, that I/we have the full right to convey the entire interest herein conveyed and that we have granted no right or license to make, use, sell or offer to sell said invention, Applications, any other

applications or properties identified herein, to anyone except said Assignee, that prior to the execution of this deed, my/our right, title and interest in said invention, Applications, or any other applications or properties identified herein had not been otherwise encumbered, and that I/we have not and will not execute any instrument in conflict with this Assignment.

This Assignment covers all countries of the world and the Assignee is hereby entitled to file applications in any country at its discretion and to abstain from seeking patent protection in any and all countries, if it so desires.

This Assignment also includes my/our right to claim priority under the Paris Convention or any other multilateral or bilateral treaties.

The Assignor(s) hereby agree(s) to execute any additional assignments and other documents required in connection with the prosecution of the Application or patent applications as well as to perform any additional acts necessary to enable the Assignee or its successors, legal representatives and assigns, to enjoy the full rights of this assignment, including applying for a patent for the invention in the United States of America, and assigning the US patent application and any patent or patents issuing thereon to the said Assignee or its successors, legal representatives and assigns.

The Assignor(s) hereby agree on their own behalf and on behalf of their successors and assigns to promptly at any time, upon the request of the Assignee, its successors and assigns, fully cooperate with the Assignee with respect to all matters regarding this Assignment in the United States of America or any other country, including without limitation, communicate to Assignee or its representatives any facts known to the Assignor(s) respecting the invention, to execute all provisional, divisional, continuation, continuation-in-part, CPAs, RCEs, reissue, reexamination, extension, substitute, renewal, and any other patent applications for any and all countries of the world, sign all lawful documents and make all rightful oaths and declarations relating to the invention, execute and deliver any and all papers that may be necessary or desirable to perfect the title to this invention in the Assignee, its successors, legal representatives or assigns, and to testify in any judicial or administrative proceeding and generally do everything possible to aid the Assignee to obtain, maintain and enforce such Letters Patent in the United States or any country of the world when requested so to do by the Assignee.

In connection with the assistance described in the previous two paragraphs, Chr. Hansen A/S agrees to reimburse the Assignor(s) for reasonable expenses that are necessarily incurred by the Assignor(s) as a result of such assistance, if and only if, prior to incurring any such expenses the Assignor(s) inform the Chr. Hansen Patent Department in writing of any and all expected expenses and Chr. Hansen agrees in writing to reimburse the Assignor(s) for such expenses.

The Assignor(s) hereby authorize(s) and request(s) my/our agents, Hunton & Williams LLP, 1900 K Street, N.W., Suite 1200, Washington, DC 20006-1109, to insert in the following parenthesis (US application number 10/545,300, filed August 11, 2005) the

filing date and application number of the US application claiming priority from the patent application identified above when known.

The Assignor(s) do hereby authorize and request the Director of the United States Patent and Trademark Office and/or appropriate officials of any country to issue any and all Letters Patent which may be granted upon said United States application(s) or upon any other patent application filed in any country of the world, or upon said improvements and/or modifications or any parts thereof when granted, to said Assignee.

Place and date:

\_\_\_\_\_

Assignor:

\_\_\_\_\_  
**UIRHOULBERG**

Place and date:

\_\_\_\_\_

Witness:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature, name and address of witness

Place and date:

\_\_\_\_\_

Assignor:

\_\_\_\_\_  
**Peer HERBSLEB**

Place and date:

\_\_\_\_\_

Witness:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature, name and address of witness

Place and date:

\_\_\_\_\_

Place and date:

\_\_\_\_\_

Assignor:

\_\_\_\_\_

**Joseph STURINO**

Witness:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature, name and address of witness